

## NURSING BOARD[655]

### Notice of Intended Action

#### **Proposing rule making related to licensure to practice and providing an opportunity for public comment**

The Nursing Board hereby proposes to amend Chapter 3, “Licensure to Practice—Registered Nurse/Licensed Practical Nurse,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 147.73.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 147.3.

#### *Purpose and Summary*

The proposed amendments to Chapter 3:

- Amend definitions and add definitions for clarity and strike the special license fee in the definition of “fees” since special licensure for those who are licensed in another country is no longer included in rule 655—3.6(17A,147,152,272C).
- Strike references to Chapter 16, “Nurse Licensure Compact,” since the chapter was recently rescinded.
- Strike subrule 3.3(2), which lists the exceptions for licensure by examination.
- Rescind rule 655—3.4(17A,147,152,272C) relating to licensure by examination and adopt in its place a new rule whose content is condensed due to removal of certain application procedures and language related to licensure requirements for an examination applicant.
- Rescind rule 655—3.5(17A,147,152,272C) relating to licensure by endorsement and adopt in its place a new rule whose content is condensed due to removal of certain application procedures and language related to licensure requirements for an endorsement applicant.
- Remove some references to “wallet card” in anticipation of a future paperless licensure process.
- Rescind rule 655—3.6(17A,147,152,272C) relating to foreign-educated applicants and adopt in its place a new rule whose content is condensed to outline the requirements for the evaluation of the education of an applicant educated in a foreign country or in a U.S. territory that is not a member of the National Council of State Boards of Nursing (NCSBN), add additional accepted documents in lieu of a transcript in paragraphs 3.6(1)“b” and “c,” and include Test of English as a Foreign Language (TOEFL) and International English Language Testing System (IELTS) academic scores to align with NCSBN’s recommendations.
- Mandate a nurse refresher course for a licensee who has not held an active license in any jurisdiction for the previous five years within the 12 months prior to reactivation and outline the requirements for the nurse refresher course.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 655—Chapter 15.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 8, 2019. Comments should be directed to:

Kathy Weinberg  
Iowa Board of Nursing  
400 S.W. Eighth Street, Suite B  
Des Moines, Iowa 50309  
Email: [kathy.weinberg@iowa.gov](mailto:kathy.weinberg@iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 8, 2019  
9 to 10 a.m.

Board Office, Suite B  
400 S.W. Eighth Street  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 655—3.1(17A,147,152,272C) as follows:

#### **655—3.1(17A,147,152,272C) Definitions.**

~~“Accredited or approved~~ Approved nursing program” means a nursing education program whose status has been recognized by the board or by a similar board in another jurisdiction that prepares individuals for licensure as a licensed practical nurse, registered nurse, or advanced registered nurse practitioner; or grants a baccalaureate, master’s or doctorate degree with a major in nursing.

~~“Address” means a street address in any state when a street address is available or a rural route address when a street address is not available.~~

“Applicant” means a person who is qualified to take the examination or apply for licensure by endorsement.

“CGFNS” means the Commission on Graduates of Foreign Nursing Schools.

“Endorsement” means the process by which a registered nurse/licensed practical nurse licensed in another jurisdiction becomes licensed in Iowa.

*“Examination”* means the tests used to determine minimum competency prior to the issuance of a registered nurse/licensed practical nurse license.

*“Fees”* means those fees collected which are based upon the cost of sustaining the board’s mission to protect the public health, safety and welfare. The nonrefundable fees set by the board are as follows:

1. to 13. No change.

~~14. For special licensure, \$62.~~

~~15.~~ 14. For the evaluation of the fingerprint cards and the DCI and FBI criminal history background checks, \$50.

*“IELTS™”* means International English Language Testing System.

*“Inactive license”* means a registered nurse or licensed practical nurse license that has been placed on inactive status because it was not renewed by the fifteenth day of the month following the expiration date, or the board has received notification that a licensee has declared another compact state as primary state of residency. ~~Pursuant to 655—subrule 16.2(8), the former home state license shall no longer be valid upon the issuance of a new home state license.~~

*“Late license”* means a registered nurse or licensed practical nurse license that has not been renewed by the expiration date ~~on the wallet card~~. The time between the expiration date and the fifteenth day of the month following the expiration date is considered a grace period.

*“Licensee”* means a person who has been issued a license to practice as a registered nurse, licensed practical nurse or advanced registered nurse practitioner under the laws of this state.

*“NCLEX®”* means National Council Licensure Examination for registered nurse/licensed practical nurse licensure.

*“NCSBN”* means the National Council of State Boards of Nursing, Inc.

*“Nurse licensure compact”* means an agreement between member states that allows mutual recognition of a nursing license. The definitions in the nurse licensure compact rules are incorporated for purposes of this chapter.

*“Overpayment”* means payment in excess of the required fee. Overpayment less than \$10 received by the board shall not be refunded.

*“Reactivation”* means the process whereby an inactive licensee obtains a current license.

*“Reinstatement,”* pursuant to rule 655—20.36(17A,147,152,272C), means the process by which any person whose license to practice nursing has been suspended, revoked or voluntarily surrendered by order of the board may apply for license consideration.

*“Temporary license”* means a license issued on a short-term basis for a specified time pursuant to subrule 3.5(4).

*“TOEFL®”* means Test of English as a Foreign Language.

*“Unlicensed student”* means a person enrolled in a nursing education program who has never been licensed as a registered nurse or licensed practical/vocational nurse in any U.S. jurisdiction.

*“Verification”* means the process whereby the board provides a certified statement that the license of a registered nurse/licensed practical nurse/advanced registered nurse practitioner is active, inactive, or encumbered/disciplined.

~~This rule is intended to implement Iowa Code sections 147.80 and 147.82.~~

ITEM 2. Amend rule 655—3.2(17A,147,152,272C) as follows:

**655—3.2(17A,147,152,272C) Mandatory licensure.**

**3.2(1)** A person who practices nursing in the state of Iowa as defined in Iowa Code section 152.1, outside of one’s family, shall have a current Iowa license, whether or not the employer is in Iowa and whether or not the person receives compensation. Any nurse who participates in the care of a patient situated in Iowa, whether that care is provided through telephonic, electronic or in-person means, and regardless of the location of the nurse, must obtain Iowa licensure unless specifically exempted by the licensure compact agreement. ~~The nurse shall maintain verification of licensure and shall have it available for inspection when engaged in the practice of nursing in Iowa.~~

**3.2(2)** Current Iowa licensure is not mandatory when:

*a.* A nurse who resides in another party state is recognized for licensure in this state pursuant to the nurse licensure compact contained in Iowa Code chapter 152E. ~~The nurse shall maintain verification of licensure and shall have it available for inspection when engaged in the practice of nursing in Iowa. The nurse licensure compact rules are available on the board's website.~~

*b.* A nurse who holds an active license in another state provides services to patients in Iowa only during interstate transit.

*c.* A nurse who holds an active license in another state provides emergency services in an area in which the governor of Iowa has declared a state of emergency.

**3.2(3)** A nurse who is enrolled in an approved nursing program shall hold an active license in the U.S. jurisdiction(s) in which the nurse provides patient care.

~~This rule is intended to implement Iowa Code section 147.2.~~

ITEM 3. Amend rule 655—3.3(17A,147,152,272C) as follows:

**655—3.3(17A,147,152,272C) Licensure qualifications for registered nurse and licensed practical nurse.**

**3.3(1)** Applicants shall meet the requirements set forth in Iowa Code sections 147.3 and 152.7. Requirements include:

~~*a.*~~ 1. Graduation from an approved nursing program preparing registered nurses as defined in Iowa Code section 152.5(1) for registered nurse applicants or graduation from an approved nursing program preparing practical nurses as defined in Iowa Code section 152.5(1) for licensed practical nurse applicants.

~~*b.*~~ 2. Passing NCLEX® or the State Board Test Pool Examination, the national examination used prior to 1982.

~~*c.*~~ 3. Board approval of an applicant with a criminal history or a record of prior disciplinary action, regardless of jurisdiction.

**3.3(2)** ~~The requirement listed in paragraph 3.3(1)“b” is subject to the following exceptions:~~

~~*a.*—A practical nurse applicant must have written the same examination as that administered in Iowa and achieved a score established as passing for that test by the board unless the applicant graduated and was licensed prior to July 1951.~~

~~*b.*—An applicant whose national examination scores do not meet the Iowa requirements in effect at the time of the examination and who wishes to become licensed in Iowa may appeal to the board. The board may require the applicant to pass the current examination.~~

~~This rule is intended to implement Iowa Code sections 147.2 and 152.7(3).~~

ITEM 4. Rescind rule 655—3.4(17A,147,152,272C) and adopt the following **new** rule in lieu thereof:

**655—3.4(17A,147,152,272C) Licensure by examination.**

**3.4(1) Board application.** A graduate of an approved nursing program seeking initial licensure shall submit the following:

- a.* A completed application for licensure by examination.
- b.* Payment of the application fee.
- c.* Two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check.
- d.* Copies of relevant court documents if the applicant has a criminal history.
- e.* Official transcript denoting the date of graduation and diploma or degree conferred sent directly to the board from the nursing program.

**3.4(2) Test registration.** The applicant shall complete NCLEX® registration, including payment of applicable fees through the national test service agency.

**3.4(3) ADA accommodations.** An applicant with a disability may submit a request to the board for testing accommodations. The request should include the nature of the disability and the specific testing accommodations being requested. A request must be accompanied by written documentation from the

applicant's health care provider describing the disability and the recommended accommodations, and documentation from the applicant's nursing education program if testing accommodations were provided to the applicant during school. Approved accommodation requests will be communicated to the national test service agency.

**3.4(4) *Authorization to test.*** An applicant will not receive authorization to test until all of the requirements in subrules 3.4(1) and 3.4(2) are met. An applicant shall self-schedule the examination with an approved testing center and must test within 91 days of receiving authorization to test. An applicant who does not test within 91 days of receiving authorization to test is required to submit a new completed application for licensure by examination and fee to the board. An applicant who does not appear for a testing appointment or does not complete the examination must follow the requirements for reexamination.

**3.4(5) *Reexamination.*** An applicant who fails the examination and reapplies within 12 months of submitting a prior application to the board shall be required to complete the requirements in paragraphs 3.4(1) "a" and "b" and subrule 3.4(2). An applicant who fails the examination and reapplies after 12 months of submitting a prior application to the board shall be required to complete all requirements in subrules 3.4(1) and 3.4(2).

**3.4(6) *Licensure.*** Upon satisfactory review of the documentation described in subrule 3.4(1) and proof of successful completion of the examination, the applicant will be issued a certificate of license by examination and a current license to practice as a registered nurse or licensed practical nurse.

**3.4(7) *Failure to complete the licensure process.*** Once an application is initiated, the applicant has 12 months to complete the licensure process. The board reserves the right to destroy any applications and supporting documents after 12 months if the applicant has not completed the licensure process. Applicants who fail to complete the licensure process within 12 months are required to start the application process anew.

ITEM 5. Rescind rule 655—3.5(17A,147,152,272C) and adopt the following **new** rule in lieu thereof:

**655—3.5(17A,147,152,272C) Licensure by endorsement.**

**3.5(1) *Board application.*** A graduate of an approved nursing program seeking licensure in Iowa who has been licensed in another state shall submit the following:

- a. A completed application for licensure by endorsement.
- b. Payment of the application fee.
- c. Two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check.
- d. Copies of relevant court documents if the applicant has a criminal history.
- e. Copies of relevant disciplinary documents if the applicant has had disciplinary action taken by another state.
- f. Verification of the license from the original state of licensure, which may be done through [www.nursys.com](http://www.nursys.com) or using the verification form, depending on the requirements of the original state of licensure.
- g. Proof of active licensure in any jurisdiction within the previous five years from the date of application or proof of completion of a nurse refresher course in accordance with rule 655—3.10(152) taken within the 12 months prior to the date of application.
- h. Official transcript denoting the date of graduation and diploma or degree conferred sent directly to the board from the nursing program. An applicant may be excused from this requirement if the nursing program is closed and records are no longer available.

**3.5(2) *Temporary license.*** An applicant who has submitted all documentation described in paragraphs 3.5(1) "a" to "g" may request a temporary license for up to 30 days to practice in Iowa pending receipt of official transcripts from the nursing program.

**3.5(3) *Licensure.*** Upon satisfactory review of the documentation described in subrule 3.5(1), the applicant will be issued a certificate of license by endorsement and a current license to practice as a registered nurse or licensed practical nurse.

**3.5(4) Failure to complete the licensure process.** Once an application is initiated, the applicant has 12 months to complete the licensure process. The board reserves the right to destroy any applications and supporting documents after 12 months if the applicant has not completed the licensure process. Applicants who fail to complete the licensure process within 12 months are required to start the application process anew.

ITEM 6. Rescind rule 655—3.6(17A,147,152,272C) and adopt the following new rule in lieu thereof:

**655—3.6(17A,147,152,272C) Applicants educated in a foreign country or in a U.S. territory that is not a member of NCSBN.**

**3.6(1) Applicant for licensure.** An applicant seeking licensure in Iowa who was educated in a foreign country or in a U.S. territory that is not a member of NCSBN shall apply for licensure by examination pursuant to rule 655—3.4(17A,147,152,272C) or licensure by endorsement pursuant to rule 655—3.5(17A,147,152,272C), as applicable, but instead of submitting an official transcript, shall submit one of the following documents issued by CGFNS:

- a. Credentials evaluation service professional report.
- b. VisaScreen certificate or certificate verification letter verifying that a VisaScreen certificate was issued.
- c. Certification program CGFNS certificate or certificate verification letter verifying that a certification program CGFNS certificate was issued.

**3.6(2) CGFNS documentation.** The documentation issued by CGFNS shall verify all of the following:

- a. Completion of education equivalent to approved nursing programs for licensed practical nurse and registered nurse applicants.
- b. The applicant's licensure or registration as a nurse in the applicant's country or U.S. territory of origin, current country or U.S. territory of residence, or country or U.S. territory where educated.
- c. The ability to read, write, speak, and understand the English language as determined by passing the TOEFL® or IELTS™ test. A passing score is as follows: 560 for the TOEFL® paper-based test; 220 for the TOEFL® computer-based test; 84 for the TOEFL® internet-based test; and an overall score of 6.5 and a speaking score of 7.0 for the IELTS™ test. An applicant shall be exempt from taking either the TOEFL® or IELTS™ test when all of the following are met: (1) the nursing education was completed in a college, university, or professional school located in Australia, Barbados, Canada (except Quebec), Ireland, Jamaica, New Zealand, South Africa, Trinidad and Tobago, or the United Kingdom; (2) the language of instruction in the nursing program was English; and (3) the language of the textbooks in the nursing program was English.

**3.6(3) Social security number.** To be eligible for a multistate license, an applicant must have a social security number. An applicant who does not have a social security number shall submit documentation of lawful presence and will only be eligible for a single state license.

ITEM 7. Amend rule 655—3.7(17A,147,152,272C) as follows:

**655—3.7(17A,147,152,272C) License cycle.**

**3.7(1) Name and address changes.** Written notification to the board of name and address changes is required within 30 days of the event. Licensure documents are mailed to the licensee at the address on file in the board office. There is no fee for a change of name or address in board records.

**3.7(2) New licenses.** The board shall issue licenses by endorsement and examination for a 24- to 36-month period. When the license is renewed, it will be placed on a three-year renewal cycle. Expiration shall be on the fifteenth day of the licensee's birth month.

**3.7(3) Renewal.** The licensee may renew the license beginning 60 days prior to license expiration. ~~Renewal is available online at the board's website or by mail upon request. When the licensee has satisfactorily completed the requirements for renewal, a wallet card shall be mailed to the licensee.~~

- a. The licensee shall:

(1) Attest that Iowa is the primary state of residence as outlined in rule 655—16.2(152E) or that the primary state of residence is a noncompact state. The board may request evidence of residency.

(2) to (4) No change.

b. Mandatory reporter training.

(1) to (5) No change.

(6) The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

1. Is engaged in active duty in the military service of this state or the United States.

2. Holds a current ~~waiver by the board~~ exemption based on evidence of significant hardship in complying with training requirements, including ~~waiver an exemption~~ of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 655—Chapter 5.

(7) The board may select licensees for audit of compliance with the requirements in subparagraphs 3.7(3) “b”(1) to (6).

**3.7(4) Late renewal.** The license shall become late when the license has not been renewed by the expiration date ~~on the wallet card~~. The licensee shall be assessed a late fee as specified in rule 655—3.1(17A,147,152,272C).

To renew a late license, the licensee shall complete the renewal requirements and submit the late fee before the fifteenth day of the month following the expiration date ~~on the wallet card~~.

**3.7(5) Inactive status.** The license shall become inactive when the license has not been renewed by the fifteenth day of the month following the expiration date ~~on the wallet card~~ or the board office has been notified by another compact state that a licensee has declared a new primary state. ~~Pursuant to 655—subrule 16.2(8), the~~ The former home state license shall no longer be valid upon the issuance of a new home state license.

a. If the inactive license is not reactivated, it shall remain inactive.

b. If the licensee resides in Iowa or a noncompact state, the licensee shall not practice nursing in Iowa until the license is reactivated to active status. If the licensee is identified as practicing nursing with an inactive license, disciplinary proceedings ~~shall~~ may be initiated.

c. The licensee is not required to obtain continuing education credit or pay fees while the license is inactive.

d. To reactivate the license, the licensee shall complete the reactivation requirements.

(1) The licensee shall be provided an application, a continuing education report form, two fingerprint cards, a waiver form, and statement of the fees. The reactivation fee and criminal history background check fee are specified in the definition of “fees” in rule 655—3.1(17A,147,152,272C).

(2) The licensee shall have obtained 36 contact hours of continuing education, as specified in 655—Chapter 5, within the 36 months prior to reactivation.

(3) A licensee who has not held an active license in any jurisdiction for the previous five years shall be required to complete a nurse refresher course in accordance with rule 655—3.10(152) within the 12 months prior to reactivation.

~~(3) (4)~~ (4) Upon receipt of the completed reactivation application, required continuing education materials, certificate of completion of a nurse refresher course (if applicable), two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check, fees for both the reactivation and the criminal history background check and verification that the primary state of residence is Iowa or a noncompact state, the licensee shall be issued a license for a 24- to 36-month period. At the time of the next renewal, the license will be placed on a three-year renewal cycle. Expiration shall be on the fifteenth day of the licensee’s birth month. The board staff may issue a certificate of license prior to receipt of a report on the applicant from the DCI/FBI.

(4) (5) An applicant who fails to complete the reactivation of licensure process within 12 months from the date of initial application must reapply. All fees are nonrefundable.

**3.7(6) Duplicate wallet card or certificate.** ~~A duplicate wallet card or certificate shall be required if the current card or certificate is lost, stolen, destroyed or not received by the licensee within 60 days~~

~~from the date the license is issued.~~ The licensee shall be issued a duplicate wallet card or certificate upon receipt of an application for a duplicate wallet card or certificate and receipt of the fee as specified in rule 655—3.1(17A,147,152,272C). If the licensee notifies the board that the wallet card or certificate has not been received within 60 days after being issued, no fee shall be required. A fee is applicable when the licensee fails to notify the board of a name or address change.

**3.7(7) Reissue of a certificate or wallet card.** The board shall reissue a certificate or current wallet card upon receipt of a written request from the licensee, return of the original document and payment of the fee as specified in rule 655—3.1(17A,147,152,272C). No fee shall be required if an error was made by the board on the original document.

~~This rule is intended to implement Iowa Code sections 147.2, 147.10, 147.11, 272C.2, and 272C.3 and chapter 152.~~

ITEM 8. Amend rule 655—3.8(17A,147,152,272C) as follows:

**655—3.8(17A,147,152,272C) Verification.** Upon written request from the licensee or another jurisdiction and payment of the verification fee as specified in rule 655—3.1(17A,147,152,272C), the board shall provide a certified statement to another jurisdiction or entity that the license of a registered nurse, licensed practical nurse or advanced registered nurse practitioner is active, inactive or encumbered/disciplined in Iowa.

~~This rule is intended to implement Iowa Code sections 147.2 and 147.8.~~

ITEM 9. Amend rule 655—3.9(17A,272C) as follows:

**655—3.9(17A,272C) License denial.**

**3.9(1) to 3.9(4)** No change.

~~This rule is intended to implement Iowa Code chapters 17A and 272C.~~

ITEM 10. Adopt the following new rule 655—3.10(152):

**655—3.10(152) Nurse refresher course.**

**3.10(1)** A nurse refresher course shall meet the following requirements:

*a.* A minimum of 80 hours of theory, with content in basic nursing skills, pharmacology, physical assessment, IV therapy (RN only), and legal and ethical considerations in healthcare; and

*b.* A minimum of 80 hours of hands-on supervised clinical learning experiences.

**3.10(2)** To participate in the clinical component of a nurse refresher course in Iowa, a licensee must have an active license to practice nursing in Iowa or a limited authorization issued by the board. A licensee shall request the limited authorization from the board prior to beginning the clinical component of a nurse refresher course.

**3.10(3)** To receive a certificate of completion from the nurse refresher course, a licensee must complete all requirements of the nurse refresher course to the satisfaction of the course provider. The course provider shall submit proof of completion of the nurse refresher course directly to the board.

ITEM 11. Adopt the following new implementation sentence in **655—Chapter 3**:

These rules are intended to implement Iowa Code chapters 17A, 147, 152, and 272C.